

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Plaintiff,

-vs.-

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,

Defendants.

Case No. 25-cv-11048-ADB

MOTION FOR LEAVE TO FILE AMICUS BRIEF

Amicus Curiae National Jewish Advocacy Center, Inc. (“NJAC”) moves for leave to file an amicus brief in opposition to the Plaintiff’s motion for summary judgment, and in support of the Defendants’ cross-motion for summary judgment. In furtherance of this motion, *Amicus* states:

1. *Amicus* NJAC is a nonprofit organization committed to combating antisemitism, with a particular expertise in the application of the First Amendment on college campuses.
2. *Amicus* NJAC’s brief will assist the court by supplementing the arguments raised in Defendants’ cross-motion for summary judgment. Among other things, *Amicus* NJAC argues that there is no viewpoint discrimination under the First Amendment where the Government decides not to fund discriminatory behavior, in an effort to protect the Jewish members of Harvard’s community.
3. This Court has the inherent authority to grant leave to file an amicus brief. *See Strasser v. Doorley*, 432 F.2d 567, 569 (1st Cir. 1970). *See also All. of Auto Mfrs. v. Gwadowsky*,

297 F.Supp.2d 305, 306 (D. Me. 2003) (“The district court retains ‘the inherent authority’ to appoint *amicus curiae* ‘to assist it in a proceeding’” [citation omitted]).

4. The Court already has exercised such discretion by granting leave to other *amici curiae* to file amicus brief. *See, e.g.*, ECF 104, Order granting Motion by *Amicus Curiae* Middle East Studies Association of North America, Inc. to File Amicus Brief in Support of Plaintiff’s Motion for Summary Judgment.

5. Counsel for *Amicus* have conferred with counsel for the Plaintiff and the Defendants. The Plaintiff and the Defendants assent to this motion.

6. A true and accurate copy of the proposed amicus brief is attached hereto as **Exhibit A.**

Accordingly, for the foregoing reasons, *Amicus* NJAC respectfully requests that this Court grant this motion for leave to file the attached amicus brief.

Dated: June 25, 2025

Respectfully submitted,

/s/ George W. Vien

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CERTIFICATE OF COMPLIANCE WITH L.R. 7.1(a)(2)

I hereby certify that I conferred with counsel for all parties and attempted in good faith to resolve or narrow the issues presented in this motion. The Plaintiff and the Defendants assent to this motion.

/s/ George W. Vien

George W. Vien

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), on June 25, 2025.

/s/ Pietro A. Conte

Pietro A. Conte